

MAY 18 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

BRUCE R. WHEATON, Doctor,

Plaintiff - Appellant,

v.

REINALD SCHRODER; et al.,

Defendants - Appellees.

No. 05-15860

D.C. No. CV-03-2843-EDL

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Elizabeth D. Laporte, Magistrate Judge,^{**} Presiding

Submitted May 15, 2006^{***}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Bruce R. Wheaton appeals pro se from the district court's order dismissing his diversity action. We have jurisdiction pursuant to 28 U.S.C. § 1291. We

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} Appellant consented in writing to proceed before a magistrate judge.

^{***} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review for abuse of discretion a district court's dismissal for failure to comply with court orders and procedural rules, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing Wheaton's action on the ground that he repeatedly failed to comply with court orders and the rules of procedure requiring him to serve defendants in Germany with a summons translated into the German language. *See* Fed. R. Civ. P. 41(b) (allowing dismissal of an action for failure of the plaintiff to comply with procedural rules or any order of the court); *see also Ferdik*, 963 F.2d at 1260-61 (affirming dismissal where plaintiff failed to comply with district court's order to file an amended complaint).

Wheaton's remaining contentions lack merit.

All pending motions are denied as moot.

AFFIRMED.